

09/938,22701AB082REMARKS

Claims 1-34 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-34 Under 35 U.S.C. §102(b)

Claims 1-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Green (US 4,769,765). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Green does not teach or suggest each and every limitation as set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention generally relates to controlling dangerous equipment *via* disconnect data that is generated based on data stored on an electronic key. In particular, independent claim 1 (and similarly independent claims 18, 23, 29 and 34) recites an electronic key data analyzer that *generates disconnect control data based at least in part on electronic key data* and a disconnector that *disables and enables dangerous equipment based at least in part on the disconnect control data*. Green does not teach or suggest such aspects. Rather, Green discloses a controlled access programmable event timer system, wherein an authorized user employs a card/key to gain access to the system and the user manually programs a microprocessor with times that indicate when a control relay will open and close. (See Abstract).

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In the subject Office Action (dated July 28, 2004), it is asserted that Green teaches a data analyzer that generates disconnect control data based in part on read electronic key data and a disconnector that disables/enables dangerous equipment based on the control data as recited in the subject claim. The Examiner references column 2, line 67, through column 3, line 8, of Green to support this assertion. Applicant's representative respectfully disagrees. This section of Green discloses a card reader that reads a code from an authorization card and transmits a signal representative of the code to a microprocessor. The microprocessor compares the code with pre-stored information and either allows or prevents a user from effectuating timing switches associated with a time setting device of an event timer system. Thus, the *microprocessor* (which the Examiner contends is synonymous with the data analyzer of the subject claim) *compares codes and authorizes user access* to a time setting device of a timing system, but does not utilize electronic key data to generate disconnect control data that is employed to enable/disable dangerous equipment as recited in the subject claim. At most, the user with access to the timing system (not a data analyzer utilizing electronic key data) can manually set timers that affect when a relay opens and closes.

Independent claim 24 recites *producing disconnect data based in part on electronic key data and status of dangerous equipment and disabling and enabling dangerous equipment based in part on the disconnect control data*. As discussed above, Green is silent regarding producing disconnect control data based in part on electronic key data and disabling/enabling dangerous equipment based in part on the control data. Furthermore, Green does not teach or suggest obtaining a status associated with dangerous equipment, let alone utilizing both dangerous equipment *status and electronic key data* to produce disconnect data that is employed to disable/enable dangerous equipment as recited in the subject claim.

In view of the above, it is readily apparent that Green does not teach or suggest each and every limitation as set forth in the claimed invention. Accordingly, this rejection should be withdrawn.

09/938,22701AB082**CONCLUSION**

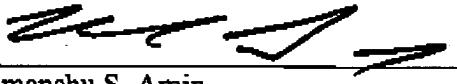
The present application is believed to be in condition for allowance, in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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